

promote health and build energy, thus making one feel more alive and full of pep; that it would reduce the absorption of poisonous toxins and stomach distress; that it was an alkalizer and body builder; that it would prevent kidney, liver, and stomach diseases and keep the skin clear; that it was an appropriate treatment for anemia, gastritis, indigestion, constipation, arthritis, rheumatism, ulcers, colitis, sinusitis, influenza, colds, dysentery and obesity; and that it would increase the stature of children, were false and misleading since it would not be efficacious for such purposes.

It also was alleged to be misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 3647.

On June 24, 1941, C. O. Pinkard, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of ble to foods, as reported in F. N. J. No. 3647.

637. Misbranding of Magozone. U. S. v. 28 Packages of Magozone. Default decree of condemnation and destruction. (F. D. C. No. 4975. Sample No. 5176-E.)

On June 23, 1941, the United States attorney for the Southern District of Ohio filed a libel against 28 packages of Magozone at Cincinnati, Ohio, alleging that the article had been shipped on or about April 17, 1941, by the Eastern American Association for Oxygen Therapy from Bloomfield, N. J.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of magnesium oxide and peroxide, and that it neither contained nor would produce ozone.

The article was alleged to be misbranded in that certain statements in the labeling which represented and implied that it would liberate ozone; that it would eliminate the cause of diseases, restore healthy blood, repair damage; that it would be efficacious in all ailments due to constipation and faulty assimilation, metabolism, and elimination which result in a gradual poisoning of the system, as well as those due to other poisonings of the body; that it was a general purifier for many ailments, gas, poisoning, etc.; that it would be of value in the treatment of nausea, gas in stomach or intestines, headache, dizziness, pressure upon the heart, biliousness; that it would be efficacious in the treatment of diarrhea and ulceration of the digestive tract; that it would purify the blood and lymph vessels and organs; that it would prevent the development of parasites; and that it would eliminate the causes of disease and restore lost health; and that another drug, namely, Calozone, would be efficacious in the correction of running bowels and in the treatment of pus or mucous formation, were false and misleading since the articles would not be efficacious for such purposes.

On August 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

638. Misbranding of rock candy crystals. U. S. v. 54 Boxes of Rock Candy Crystals. Default decree of condemnation. Product distributed to charitable institutions. (F. D. C. No. 6323. Sample No. 49823-E.)

Examination showed that this product consisted of coarse sucrose crystals.

On December 2, 1941, the United States attorney for the Western District of Louisiana filed a libel against 54 boxes, each containing 24 packages, of rock candy crystals at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about October 30 and November 3, 1941, by Martin Candy Co. from Dallas, Tex.; and charging that it was misbranded.

The article was alleged to be misbranded (1) in that the following statements on the package were false and misleading: "Dissolve the Rock Candy Crystals In This Package In a Half Pint of the Best Old Rye Whiskey Such a Cordial Is a Cardinal Remedy for Coughs. Colds. And all Pulmonary Complaints. * * * A Most Excellent Tonic Recommended by Physicians," since the consensus of medical opinion does not support the representation that the article when used in the manner directed would be efficacious for the purposes recommended, and the labeling failed to reveal that fact; and (2) in that its container was so made and filled as to be misleading, since the packages were too large for the amount of crystals they contained and the crystals did not occupy a reasonable amount of the available space.

It also was alleged to be misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 3639.

On February 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of as provided by law. It was distributed to charitable institutions.

639. Misbranding of Santé. U. S. v. 16 Cases of Santé. Default decree of condemnation and destruction. (F. D. C. No. 5089. Sample No. 29413-E.)

On July 9, 1941, the United States attorney for the Southern District of Indiana filed a libel against 16 cases of Santé at Evansville, Ind., alleging that the article had been shipped in interstate commerce on or about February 12, 1941, by Dr. W. B. Caldwell, Inc., from Monticello, Ill.; and charging that it was misbranded.

Analysis showed that the article was an alcoholic solution containing in each fluid ounce an iron compound representing approximately 150 milligrams of iron and 800 U. S. P. units of vitamin B₁ per fluid ounce.

The article was alleged to be misbranded in that statements in the labeling which represented and suggested that it was an appropriate treatment for nutritional anemia due to dietary deficiencies; that it was an efficacious treatment for pale, underweight women with poor appetite; that it would help the system get over the conditions following colds, grippe, flu; that it would increase personality and stamina, and would help develop the blood, improve the appetite and color and quiet the nerves; would promote assimilation of food and better sleep, and would increase weight; and that it was important to nerves, stomach, and bowels, were false and misleading since it would not be efficacious for such purposes.

On November 17, 1941, the claimant having withdrawn his appearance, judgment of condemnation was entered and the product was ordered destroyed.

640. Misbranding of Vigor-Tex. U. S. v. 20 Cases and 6 Packages of Vigor-Tex (and 1 other seizure against Vigor-Tex). Default decree of condemnation and destruction. (F. D. C. Nos. 4920, 4934. Sample Nos. 47447-E, 47456-E.)

On June 18 and 24, 1941, the United States attorney for the Northern District of Illinois filed libels against 29 cases, each containing 24 packages; 37 cases, each containing 12 packages; and 6 packages of Vigor-Tex at Chicago, Ill., alleging that the article had been shipped in interstate commerce by Kretschmer Corporation from Saginaw, Mich., on or about May 12 and 17, 1941; and charging that it was misbranded.

Examination of the article showed that it consisted of about 42 percent of wheat germ, the remainder consisting essentially of wheat bran and small amounts of starch.

It was alleged to be misbranded in that statements in the labeling which represented and suggested that it would be efficacious to build vitality, promote better health, provide the life principle needed for the functioning of all organs; that it would be efficacious to correct low spirits, discouragement, and tiredness, would strengthen the heart muscle and normalize the blood pressure; would cause children to thrive, grow in height and weight, and would improve their appetite and general health; that it would prevent sleeplessness, tiredness, poor heart action, fatigue, indigestion, and gray hair; that it was a preventive and appropriate treatment of constipation, arthritis, neuritis, colitis, colds, simple anemia and pernicious anemia, diabetes, skin blemishes, brittle nails, stomach ulcers, heart trouble, hardening of the arteries, high blood pressure, glandular deficiency, acidosis, underweight and overweight conditions, were false and misleading since it would not be efficacious for such purposes.

On October 1, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

641. Misbranding of Polly Rich Wheat Germ. U. S. v. 219 Cans of Wheat Germ. Default decree of condemnation and destruction. (F. D. C. No. 6362. Sample No. 83181-E.)

The labeling of this product bore false and misleading representations regarding its value as a source of certain vitamins and minerals and its efficacy in the treatment of diseases and abnormalities of the body.

On December 9, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 219 cans of wheat germ at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 15, 16, and 24, 1941, by the Colonial Milling Co. from Nashville, Tenn.; and charging that it was misbranded. It was labeled in part: "Polly Rich Wheat Germ."